

**THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

KARI PROSKIN,

Plaintiff,

v.

FOURSQUARE LABS, INC.,

Defendants.

Civil Action No. 3:23-cv-30078

ORAL ARGUMENT REQUESTED

**FOURSQUARE LABS, INC.'S MOTION TO DISMISS THE COMPLAINT PURSUANT
TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant Foursquare Labs, Inc. (“Foursquare”) hereby moves to dismiss the Complaint filed by Plaintiff Kari Proskin (ECF No. 1) in its entirety and with prejudice. The grounds for this Motion are set forth in the Memorandum of Law in Support of Foursquare’s Motion to Dismiss the Complaint and the accompanying exhibits.

WHEREFORE, Foursquare respectfully requests that this Court issue an Order dismissing the Complaint in its entirety and with prejudice, and granting such other and further relief as the Court deems just and proper.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Foursquare believes that oral argument may assist the Court and requests oral argument of this motion.

Dated: September 14, 2023

Respectfully submitted,
FOURSQUARE LABS, INC.
By its attorneys,

/s/ Jennifer L. Chunias

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LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I, Jennifer L. Chunias, hereby certify that, prior to filing this Motion, counsel for Defendant conferred in good faith with opposing counsel and were unable to resolve the issues presented in this Motion.

CERTIFICATE OF SERVICE

I, Jennifer L. Chunias, hereby certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on September 14, 2023.

/s/ Jennifer L. Chunias
Jennifer L. Chunias